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 CUVIELLO AND ALFREDO  
 KUBA  
 8



9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

12 DENIZ BOLBOL, AN INDIVIDUAL, JOSEPH  
 13 CUVIELLO, AN INDIVIDUAL, AND ALFREDO  
 14 KUBA, AN INDIVIDUAL, and DOES 1-40,

15 Plaintiffs,

16 vs.

17 THE RINGLING BROS. AND BARNUM AND  
 18 BAILEY CIRCUS; THE CITY OF SAN JOSE, HP  
 PAVILION MANAGEMENT,

19 Defendants.

20 No. C 04 00082 JW

**21 STIPULATION AND [PROPOSED]  
 SCHEDULING ORDER FOR  
 PETITION TO MODIFY  
 PRELIMINARY INJUNCTION**

22 Plaintiffs Deniz Bolbol, Joseph Cuviello, and Alfredo Kuba seek an order modifying the  
 23 court's preliminary injunction in this case. Plaintiffs contend that the modification is necessary in  
 24 light of the Ninth Circuit's decision in Kuba v. A-1 Agricultural Association, 387 F.3d 850 (9th Cir.  
 25 2004), and in light of events subsequent to the issuance of the injunction. Because the circus is  
 26 scheduled to return to San Jose and the HP Pavilion on August 24, 2005, Plaintiffs seek to have the  
 27 order modified prior to that date. Plaintiffs state that they have contacted the court, and the only  
 28 order modified prior to that date. Plaintiffs state that they have contacted the court, and the only

date available for a hearing on the motion is August 22, 2005. Plaintiffs seek to file a motion modifying the injunction before August 1, 2004, and prior to filing the motion, seek a deposition of Steve Kirsner. Plaintiffs request that the court shorten the time ordinarily required for briefing, and enter an order allowing briefing on these matters to be filed according to the following schedule, to which the Parties have agreed:

1. Plaintiffs shall file and serve their petition on or before August 1, 2005.
2. Defendants shall file and serve any opposition papers on or before August 12, 2005.
3. Plaintiffs shall file and serve their reply papers on or before August 15, 2005.

Dated: July 20, 2005

BERLINER COHEN

By   
FRANK R. UBHAUS  
THOMAS P. MURPHY  
ATTORNEYS FOR SAN JOSE ARENA  
MANAGEMENT, LLC.

Dated: July 20, 2005

GONZALEZ & LEIGH, LLC.

By   
BRYAN VERESCHAGIN  
G. WHITNEY LEIGH  
ATTORNEYS FOR PLAINTIFFS

Dated: July   , 2005

CITY OF SAN JOSE

By: \_\_\_\_\_  
DAVID ROLLO  
ATTORNEYS FOR DEFENDANT  
CITY OF SAN JOSE

**ORDER**

IT IS SO ORDERED.

THE HONORABLE JUDGE JAMES WARE

1 date available for a hearing on the motion is August 22, 2005. Plaintiffs seek to file a motion  
2 modifying the injunction before August 1, 2004, and prior to filing the motion, seek a deposition  
3 of Steve Kirsner. Plaintiffs request that the court shorten the time ordinarily required for  
4 briefing, and enter an order allowing briefing on these matters to be filed according to the  
5 following schedule, to which the Parties have agreed:

- 6 1. Plaintiffs shall file and serve their petition on or before August 1, 2005.
- 7 2. Defendants shall file and serve any opposition papers on or before August 12,  
8 2005.
- 9 3. Plaintiffs shall file and serve their reply papers on or before August 15, 2005.

10 Dated: July \_\_\_, 2005

11 BERLINER COHEN

12 By \_\_\_\_\_  
13 FRANK R. UBHAUS  
14 THOMAS P. MURPHY  
15 ATTORNEYS FOR SAN JOSE ARENA  
MANAGEMENT, LLC.

16 Dated: July \_\_\_, 2005

17 GONZALEZ & LEIGH, LLC.

18 By \_\_\_\_\_  
19 BRYAN VERESCHAGIN  
G. WHITNEY LEIGH  
20 ATTORNEYS FOR PLAINTIFFS

21 Dated: July 14, 2005

22 CITY OF SAN JOSE  


23 By: \_\_\_\_\_  
DAVID ROLLO  
24 ATTORNEYS FOR DEFENDANT  
CITY OF SAN JOSE

25 ORDER

26 IT IS SO ORDERED.

27 /s/ James Ware 7/27/05  
28 THE HONORABLE JUDGE JAMES WARE